

**REMARKS**

The Office Action dated October 2, 2008 was received and carefully reviewed.

By this response, Applicants hereby elect, without traverse, Group I, i.e., claims 1-9, drawn to a device, for examination on the merits at this time. Claims 10-13 are hereby withdrawn for being directed to a non-elected invention. Claim 9 is hereby amended to clarify the invention, and not for reasons of patentability. No claims have been canceled, and no new claims have been added. Accordingly, claims 1-13 remain pending in the subject application.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney/agent to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,  
**NIXON PEABODY LLP**

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